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UNCLAS SECTION 01 OF 02 USUN NEW YORK 000614

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SUBJECT: SETTLEMENTS UNSCR: ARABS NOW UNSURE IF THEY HAVE  
NINE VOTES

REF: USUN 610 AND PREVIOUS

11. (SBU) Libya convened a UNSC experts meeting on July 9 to solicit comments on its draft resolution condemning Israeli settlements. France spoke first, emphasizing that the Council has a unique opportunity to adopt a comprehensive resolution on the Middle East peace process, and that experts should focus on how to reach such a consensual outcome. The French expert then read off several amendments to the preambular paragraphs of the Libyan draft as well as the additional "elements" that would need to be included in a comprehensive resolution, including a condemnation of all attacks targeting civilians, including acts of terror, as well as a call on the Palestinian Authority to fulfill its commitments to fight terrorism. (Note: USUN e-mailed IO and NEA the French elements on July 9. End Note.) The Libyan expert interrupted France to argue that the meeting was meant to focus on the settlements resolution, and that it was useless to pursue a comprehensive resolution, because the Council would never be able to come to agreement. He complained that experts had the same discussion about a comprehensive text vs. a settlements-focused text on July 2, and that continuing that discussion would be a waste of time.

12. (SBU) Poloff then intervened based on guidance from Amb Khalilzad. Noting that the Council had not adopted a comprehensive resolution on the Israeli-Palestinian conflict for five years, he said it now had the opportunity to do so in a constructive way. It would be important to welcome the positive developments of the past few months -- continuing Israeli-Palestinian negotiations, Israeli-Syrian talks, the Doha Agreement on Lebanon -- as well as address the challenges that remain before us. Expansion of settlements is one such challenge, but we must not be selective in identifying these challenges, and should address Roadmap obligations on all sides. Such a comprehensive effort could support the peace process and urge the parties to make further progress. The current Libyan text would not meet that criteria and would not be adopted by the Council. Recalling that most experts had spoken in favor of a comprehensive resolution during the July 2 experts meeting, Poloff said the U.S. was now willing to propose elements to that end, and circulated copies of the draft elements previously cleared by the Department. He said USUN was ready to work constructively in any way towards this outcome. One option would be to form a small drafting group to continue talks on a comprehensive resolution. Such a group could include Libya, European countries, members of the NAM, and other interested states.

13. (SBU) Although five countries said explicitly that they could support the Libyan draft as is or with minor amendments (Russia, South Africa, Panama, Indonesia, and China), all experts said they would be prepared to work towards a comprehensive resolution on the Israeli-Palestinian conflict.

Although Panama said the UNSC should be able to adopt a resolution on settlements, an issue that enjoyed international consensus, it urged Libya to listen to those members that wanted a broader text in the interest of achieving consensus. Russia said it could support the Libyan text with one minor amendment (to change the OP 3 call on Israel to "dismantle settlements" to a call to "dismantle outposts"), but said it would prefer a comprehensive resolution. Russia also said it would join a drafting group to produce such a comprehensive resolution. South Africa, Indonesia, and China suggested working on a comprehensive resolution while keeping the draft Libyan resolution in reserve. Six experts (UK, France, Belgium, Italy, Croatia, Burkina Faso) joined the U.S. in arguing for a comprehensive resolution. Costa Rica and Vietnam did not speak. Libya concluded the meeting by saying that it would consult again with the Arab Group, and consider the idea of working with select delegations on a broader text, but one that still focuses on settlements. The Libyan expert warned, however, that Libya would not be able to accept a resolution that contains references to terrorism. After the experts meeting, the Libyans cancelled the Ambassadorial-level consultations they had called for July 10. They also assured USUN that they would not/not call for a vote on their draft resolution on July 10.

14. (SBU) COMMENT: The bottom line from the experts meeting was that it is not clear that the Arabs have nine votes for their text. They can count six votes for sure, and if pressed, we assess that Costa Rica and Vietnam would probably support the draft resolution. That leaves Burkina Faso in play for the ninth vote. We believe the best way to ensure

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Burkina Faso refuses to support the Arab text -- and to put pressure on Costa Rica, Vietnam, and Panama as well -- is to hold out hope for a viable alternative by convening the small drafting group USUN proposed during the experts meeting. We could invite the UK, France, Russia, Libya, Burkina Faso, and possibly Indonesia to join the group. If Libya refuses, we could ask Panama or South Africa to join in its place. This would at least delay action until probably next week, by holding out the possibility that the drafting group could reach agreement.  
Khalilzad